

Notice of Allowability	Application No.	Applicant(s)	
	09/980,892	HERZEL ET AL.	
	Examiner	Art Unit	
	Arnold M Kinkead	2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08-21-03.
 2. ☒ The allowed claim(s) is/are 1-36.
 3. ☒ The drawings filed on 03 December 2001 are accepted by the Examiner.
 4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
 6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

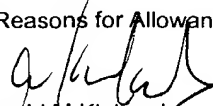
7. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


 Arnold M Kinkead
 Primary Examiner
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Oath/Declaration

1. Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth in the office action mailed 5/21/03(Foreign priority cannot be obtained for the German reference 100 21 273.5 , filed concurrently with the PCT). The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the " Notice of Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in ABANDONMENT of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the " Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

2. An examiner' s amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

- Authorization for this examiner' s amendment was given in a telephone interview with Mr. Stephen L. Grant on 11-20-03.

In claim 2, line 3, " one said first inductor" is now – said at least one said first inductor--.

In claim 7, line 2, " the circuit arrangement" is now – a circuit arrangement--. (see also, claim 27, 28, and 29, line 2 of all.)

In claim 10, line 3, " the tuning input" is now—a tuning input--.

In claim 11, line 3, " the effective capacitance" is now—an effective capacitance--.

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In claim 15, line 4, " the oscillator" is now – the voltage controlled oscillator-- (see claim 16, line 4, claims 30-32 and 34, line 2)

In claim 33, line 3, " the effective capacitance" is now—an effective capacitance--.

In claim 35, line 2 and claim 36, line 3, " the second inductor" is now—the at least one inductor--.

In claim 35, line 3, " said first inductor" is now—said at least one first inductor--.

1. The following is an examiner' s statement of reasons for allowance: The examiner has considered applicant' s remarks concerning the controllable switching device being periodically conducting an non-conducting at the oscillation frequency...to switch the inductor in parallel or series with the first inductor of the LC resonant circuit...; this, at least, is not suggested in the reference as it pertains only to the band switching which is not at the oscillation frequency.

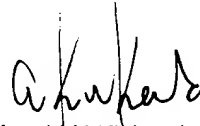
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled " Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold M Kinkead whose telephone number is 703-305-3486(new number will be 571-272-1763, about Jan. 15, 2004). The examiner can normally be reached on Mon-Fri, 8:30 am -5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 703-308-4909. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7724(new fax after move Jan-15-04 will be 571-273-1763).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

A handwritten signature in black ink, appearing to read 'A. Kinkead', is positioned above the printed name.

Arnold M Kinkead
Primary Examiner
Art Unit 2817

Arnold Kinkead

Nov. 20, 2003